

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF)

FISCHHOFF et al.)

SERIAL NO: 08/434,105)

FILED: May 3, 1995)

TITLE: SYNTHETIC PLANT GENES)
AND METHOD FOR)
PREPARATION)

) GROUP ART UNIT: 1814

) EXAMINER: Hendricks

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GROUP 1800

PRELIMINARY AMENDMENT

Commissioner of Patents and Trademarks
Washington, D. C. 20231

Sir:

Prior to examination, please consider the following amendments.

IN THE CLAIMS

Please cancel claims 1, 2, 4 and 6-12.

Please amend claim 5 as follows:

5. A method of Claim [4] 3 further comprising the use of plant preferred sequences in the removal of the polyadenylation signals and ATTTA sequences.

Please add the following new claims:

- 39. A method of designing a synthetic *Bacillus thuringiensis* gene to be more highly expressed in plants, comprising the steps of:
- analyzing the coding sequence of a gene derived from a *Bacillus thuringiensis* which encodes an insecticidal protein toxin, and